

CLEAN AIR ACT (CAA)

R6-7-114. Implementation of Operating Permits Program

1. AUTHORITY.
 - a. To promulgate and administer the Federal operating permits program under Title V of the Clean Air Act (CAA) and 40 CFR part 71.
 - b. To promulgate and administer the State, local, and Tribal operating permits program under Title V of the CAA and 40 CFR part 70.
 - c. To delegate, in whole or in part, the authority to administer a Federal operating permits program to a State, local, or eligible Tribal permitting agency.
2. TO WHOM DELEGATED. Division Director.
3. LIMITATIONS.
 - a. The Administrator retains the authority to respond to petitions objecting to the issuance of permits filed in accordance with Section 505(b)(2) of the CAA.
 - b. The Administrator retains the authority to promulgate and revise nationally applicable provisions of the operating permits programs under 40 CFR Parts 70 and 71.
 - c. Regional Administrators shall afford the Assistant Administrators for the Office of Air and Radiation, the Office of Enforcement and Compliance Assurance, and the Office of General Counsel an opportunity to review, and if necessary nonconcur on, the proposed decision prior to:
 - (1) approving or disapproving State, local, and Tribal operating permits programs and revisions, pursuant to subsection 502(d) of the CAA, delegated in 1.b; or
 - (2) providing notice that a permitting authority is not adequately administering and enforcing a program, or portion thereof, in accordance with the criteria defined in 40 CFR Part 70, delegated in 1.b; or

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- (3) withdrawing approval of a State, local or Tribal program, or portion thereof, under 40 CFR part 70, delegated in 1.b; or
- (4) promulgating a Federal operating permits program for a State, local government or Tribe that varies from the nationally applicable Federal program under 40 CFR part 71, delegated in 1.a.

4. REDELEGATION AUTHORITY.

- a. With the exception of authorities subject to the limitations in 3.c., the authority in 1.a. and 1.b. may be redelegated to the Branch Chief, or equivalent, and no further.
- b. The authority delegated in 1.c. may not be redelegated.

5. ADDITIONAL REFERENCES. None.

Delegation of Authority from the
Regional Administrator